

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:18-CV-149-BO

BETTY JO LOCKLEAR HILL,)
)
 Plaintiff,)
)
 v.)
)
 SCHOOL BOARD OF ROBESON)
 COUNTY and SHENITA WOOTEN,)
 Superintendent,)
)
 Defendants.)

ORDER

This cause comes before the Court on the memorandum and recommendation by United States Magistrate Judge James E. Gates. [DE 4]. For the following reasons, the Court adopts the M&R and DISMISSES plaintiff's complaint.

BACKGROUND

Plaintiff was a teacher at Long Branch Elementary School for more than nine years. [DE 1-2]. She alleges that she was subjected to "non-stop verbal harassment" by a supervisor, culminating in her being falsely accused of not trying "to get along" with a new teacher. *Id.* Plaintiff took a teaching job at a different school and is seeking retirement benefits for more than twenty-nine years of work in the Robeson County School System, as well as retirement benefits for the rest of her life. *Id.* Plaintiff is also seeking back pay from December 2016, when her doctor "took [her] out of work because of bad knees." *Id.*

Plaintiff applied to proceed *in forma pauperis* under 28 U.S.C. § 1915. On August 31, 2018, Magistrate Judge Gates entered the instant memorandum and recommendation (M&R),

recommending that plaintiff's application to proceed *in forma pauperis* be granted but that her complaint should be dismissed for failure to state a claim upon which relief can be granted.

DISCUSSION

At the outset, the Court finds that plaintiff has demonstrated appropriate evidence of inability to pay the required costs of court. The application to proceed and appeal *in forma pauperis* [DE 1] is, therefore, granted. The Clerk is directed to file the complaint attached to the application to proceed without pre-payment of fees and signed by plaintiff.

A district court is required to review de novo those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

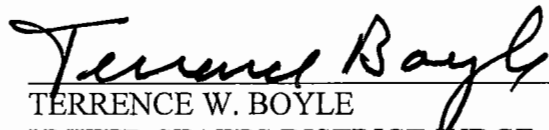
Despite plaintiff's awareness of her obligation to file written objections to the M&R, plaintiff made only a generalized objection to dismissal and reiterated her claims for relief. [DE 6]. The court need not conduct a *de novo* review where a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982); *Wells v. Shriners Hosp.*, 109 F.3d 198, 200–01 (4th Cir. 1997). “Section 636(b)(1) does not countenance a form of generalized objection to cover all issues addressed by the magistrate judge; it contemplates that a party's objection to a magistrate judge's report be specific and particularized, as the statute directs the district court to review only those portions of the report or specified proposed findings or recommendations to which objection is made.” *United States v. Midgette*,

478 F.3d 616, 621 (4th Cir. 2007). Having considered the M&R and record, the Court is satisfied that there is no plain error and accepts the Magistrate Judge's recommendation that the matter be dismissed.

CONCLUSION

For the above reasons, the memorandum and recommendation of Magistrate Judge Gates [DE 4] is ADOPTED. Plaintiff's application to proceed *in forma pauperis* is GRANTED but her complaint is DISMISSED under 28 U.S.C. § 1915(e)(2)(B).

SO ORDERED, this 14 day of October, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE